

TRANSFERRED MDL

**U.S. District Court  
Northern District of Alabama (Southern)  
CIVIL DOCKET FOR CASE #: 2:07-cv-00232-WMA  
Internal Use Only**

McCluskey v. Merck & Co., Inc. et al  
Assigned to: Judge William M Acker, Jr  
Cause: 28:1332 Diversity-Personal Injury

Date Filed: 02/02/2007  
Jury Demand: Plaintiff  
Nature of Suit: 365 Personal Inj. Prod.  
Liability  
Jurisdiction: Diversity

**Plaintiff**

**William D McCluskey**  
*as Surviving Spouse and as Personal  
Representative of the Estate of Mary L  
McCluskey, deceased*

represented by **Andy D Birchfield, Jr**  
BEASLEY ALLEN CROW METHVIN  
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*LEAD ATTORNEY*  
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V.

**Defendant**

**Merck & Co., Inc.**  
*a foreign Corporation*

represented by **F Chadwick Morris**  
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**Robert "Mike" Brock**  
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**Defendant**

**Pfizer Inc**  
*a Delaware Corporation*

represented by **Lawrence B Clark**  
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**Michael J Asbell**  
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**G Steven Henry**  
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*ATTORNEY TO BE NOTICED*

**Defendant**

**Pharmacia Corporation**  
*a Delaware Corporation*

represented by **Lawrence B Clark**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Michael J Asbell**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**G Steven Henry**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Monsanto Company**  
*a Delaware Corporation*

represented by **Lawrence B Clark**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Michael J Asbell**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**G Steven Henry**

(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**G. D. Searle, LLC**  
*a Delaware Corporation*

represented by **Lawrence B Clark**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Michael J Asbell**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**G Steven Henry**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**James A Stewart**  
*an Individual*  
TERMINATED: 03/07/2007

**Defendant**

**Anna Leigh Webb**  
*an Individual*  
TERMINATED: 03/07/2007

represented by **F Chadwick Morris**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Richard B Garrett**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Robert "Mike" Brock**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Cedric D Anderson**  
*an Individual*  
TERMINATED: 03/07/2007

represented by **F Chadwick Morris**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Richard B Garrett**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Robert "Mike" Brock**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Travis Taylor**  
*an Individual*

represented by **Lawrence B Clark**  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Michael J Asbell**  
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**LEAD ATTORNEY**  
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**Defendant**

**Robert Vandelune**  
*an Individual*

represented by **Lawrence B Clark**  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Michael J Asbell**  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
02/02/2007	①	NOTICE OF REMOVAL by Merck & Co., Inc. from Circuit Court of Jefferson County, Alabama, case number CV 200607108 (Filing fee \$350 receipt #200 233431)filed against William D McCluskey (Attachments: # 1 Exhibit A Joinder# 2 Exhibit B Motion to dismiss Stewart# 3 Exhibit B Part 1# 4 Exhibit B Part 2# 5 Exhibit B Part 3# 6 Exhibit C Notice of Removal# 7 Exhibit D Jury Awards# 8 Exhibit E# 9 Exhibit F Memorandum Opinion# 10 Exhibit G Declaration of Cedric Anderson# 11 Exhibit G Declaration of Anna Leigh Webb# 12 Exhibit G Afdt of Travis Taylor# 13 Exhibit G Afdt of Robert Vandelune# 14 Exhibit H Order# 15 Exhibit I Order)(KGE, ) (Entered: 02/06/2007)
02/02/2007	②	MOTION to Stay all proceedings pending transfer decision by the Judicial Panel on Multidistrict Litigation by Merck & Co., Inc.. (KGE, ) (Entered: 02/06/2007)
02/02/2007	③	NOTICE of Corporate Disclosure by Merck & Co., Inc. (KGE, ) (Entered: 02/06/2007)
02/02/2007	④	MOTION to Dismiss by Cedric D Anderson. (KGE, ) (Entered: 02/06/2007)
02/02/2007	⑤	MOTION to Dismiss by Anna Leigh Webb. (KGE, ) (Entered:

		02/06/2007)
02/02/2007	❶6	ANSWER to Complaint with Jury Demand by Merck & Co., Inc.. (KGE, ) (Entered: 02/06/2007)
02/02/2007	❷7	JOINDER in Notice of Removal filed by Pharmacia Corporation, Monsanto Company, G. D. Searle, LLC, Pfizer Inc. (KGE, ) (Entered: 02/06/2007)
02/02/2007	❸8	MOTION to Stay all proceedings pending transfer to Multidistrict Litigation proceeding by Pharmacia Corporation, Monsanto Company, G. D. Searle, LLC, Travis Taylor, Robert Vandelune, Pfizer Inc. (KGE, ) (Entered: 02/06/2007)
02/02/2007	❹9	NOTICE of Corporate Disclosure by Pharmacia Corporation, Monsanto Company, G. D. Searle, LLC, Pfizer Inc (KGE, ) (Entered: 02/06/2007)
02/02/2007	❺10	ANSWER to Complaint by Pharmacia Corporation, Monsanto Company, G. D. Searle, LLC, Travis Taylor, Robert Vandelune, Pfizer Inc.(KGE, ) (Entered: 02/06/2007)
02/06/2007	❻11	AMENDED DOCUMENT by Merck & Co., Inc.. Amendment to 1 Notice of Removal,, <i>Exhibit G - Part 1 - signed declaration of Anderson substituted for unsigned one inadvertently filed.</i> (Garrett, Richard) (Entered: 02/06/2007)
02/06/2007	❻12	AMENDED DOCUMENT by Merck & Co., Inc.. Amendment to 1 Notice of Removal,, <i>Pt 2 Ex G - executed declaration - Webb - in lieu of unsigned one inadvertently filed.</i> (Garrett, Richard) (Entered: 02/06/2007)
02/12/2007	❻13	MOTION to Remand & <i>Briefs in Opposition to Removals</i> by William D McCluskey. (Attachments: # 1 Exhibit 1# 2 Exhibit A1# 3 Exhibit B1# 4 Exhibit C1# 5 Exhibit D1# 6 Exhibit E1# 7 Exhibit F1# 8 Exhibit G1# 9 Exhibit 2# 10 Exhibit A2# 11 Exhibit B2# 12 Exhibit C2# 13 Exhibit D2)(Locklar, Benjamin) (Entered: 02/12/2007)
02/12/2007	❻14	RESPONSE in Opposition re 8 MOTION to Stay, 2 MOTION to Stay <i>Proceedings Pending Transfer to MDL</i> filed by William D McCluskey. (Locklar, Benjamin) (Entered: 02/12/2007)
02/12/2007	❻15	RESPONSE to Motion re 5 MOTION to Dismiss, 4 MOTION to Dismiss <i>Anna Leigh Webb and Cedric Anderson</i> filed by William D McCluskey. (Locklar, Benjamin) (Entered: 02/12/2007)
02/12/2007	❻16	Opposition to re 10 <i>Motion to Dismiss in Def. Pfizer's Answer</i> filed by William D McCluskey. (Locklar, Benjamin) (Entered: 02/12/2007)
02/14/2007	❻17	NOTICE of Hearing on Motion 13 MOTION to Remand: Motion Hearing set for 2/16/2007 09:00 AM before Judge William M Acker Jr. (KWC) (Entered: 02/14/2007)
02/14/2007	❻18	MOTION to Continue Hearing on Plaintiff's Motion to Remand set for February 16, 2007 by Merck & Co., Inc.. (Garrett, Richard) (Entered:

		02/14/2007)
02/15/2007	②0	Motion docket hrg scheduled for 2/16/07 is cancelled. (KWC) (Entered: 02/15/2007)
02/15/2007	②19	ORDER-granting dft's motion to continue and extend time; hearing scheduled for 2/16/07 is hereby CANCELLED; if dfts wish to respond to pla's motion to remand, they may do so in writing by 4:30 p.m. 3/2/07, Motions terminated: 18 MOTION to Continue Hearing on Plaintiff's Motion to Remand set for February 16, 2007. Signed by Judge William M Acker Jr on 2/15/07. (MAA, ) (Entered: 02/15/2007)
03/01/2007	②20	Opposition to filed by Merck & Co., Inc.. (Attachments: # 1 Exhibit Exhibit 1 to Opposition to Plaintiff's Motion to Remand# 2 Exhibit Exhibit 2 to Opposition# 3 Exhibit Exhibit 3 to Opposition# 4 Exhibit Exhibit 4 to Opposition# 5 Exhibit Exhibit 5 to Opposition# 6 Exhibit Exhibit 6 to Opposition# 7 Exhibit Exhibit 7 to Opposition# 8 Exhibit Exhibit 8 to Opposition# 9 Exhibit Exhibit 9 to Opposition)(Garrett, Richard) (Entered: 03/01/2007)
03/02/2007	②21	RESPONSE in Opposition re 13 MOTION to Remand & <i>Briefs in Opposition to Removals</i> filed by Pharmacia Corporation, Monsanto Company, G. D. Searle, LLC, Pfizer Inc. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Exhibit D# 5 Exhibit E# 6 Exhibit F# 7 Exhibit G# 8 Exhibit H# 9 Exhibit I# 10 Exhibit J)(Asbell, Michael) (Entered: 03/02/2007)
03/07/2007	②22	MEMORANDUM OPINION. Signed by Judge William M Acker Jr on 3/7/07. (MAA, ) (Entered: 03/07/2007)
03/07/2007	②23	ORDER -In accordance with accompanying memorandum opinion, pla's motion to remand 13 is DENIED; dfts' motion to stay 2 is GRANTED; action is STAYED pending Judicial Panel on Multidistrict Litigation's determination of whether action will be transferred,pla's motion to dismiss dft James A. Stewart is GRANTED; action against Stewart is DISMISSED WITHOUT PREJUDICE; motions to dismiss filed by dfts Anderson 4 and Webb 5 are GRANTED; pla's action against Anderson and Webb is DISMISSED WITH PREJUDICE, Motions terminated: 8MOTION to Stay 2 MOTION to Stay13 MOTION to Remand 5 MOTION to Dismiss 4MOTION to Dismiss.. Signed by Judge William M Acker Jr on 3/7/07. (MAA, ) (Entered: 03/07/2007)
03/07/2007		*** Party Anna Leigh Webb; Cedric D Anderson and James A Stewart terminated pursuant to 23. (MAA, ) (Entered: 03/07/2007)
04/06/2007	②24	NOTICE of Appearance by G Steven Henry on behalf of Pharmacia Corporation, Monsanto Company, G. D. Searle, LLC, Pfizer Inc (Henry, G) (Entered: 04/06/2007)
04/06/2007	②25	STATUS REPORT by Pharmacia Corporation, Monsanto Company, G. D. Searle, LLC, Pfizer Inc. (Henry, G) (Entered: 04/06/2007)
04/11/2007	②26	STATUS REPORT by Merck & Co., Inc.. (Garrett, Richard) (Entered:

		04/11/2007)
06/21/2007	②7	ORDER Transferring Case to MDL: ORDER of Judicial Panel on Multidistrict Litigation transferring this case to the District of Northern California, San Francisco Division for inclusion in MDL 05-1699; the original record, certified copy of docket entries along with a copy of the transmittal letter requested by transferee clerk mailed to Clerk of Court in District of Northern California, San Francisco Division. (KGE, ) (Entered: 06/22/2007)

A TRUE COPY  
SHARON N. HARRIS, CLERK  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
BY: Kathy Englebert  
DEPUTY CLERK